

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MASSACHUSETTS

CA #: 04CV12058WGY

BETTE J. RIVARD, as Administratrix of)
the Estate of John A Horton,)
Plaintiff)
)
v.)
)
DARTMOUTH HOUSE OF CORRECTION,)
BRISTOL COUNTY, JOHN DOE,)
RICHARD ROE, Bristol County Corrections)
employees the identity and number of whom is)
presently unknown to the Plaintiff,)
Defendants/)
Third Party Plaintiffs)
)
v.)
)
PRISON HEALTH SERVICES, INC. and)
CORRECTIONAL HEALTH CARE)
SOLUTIONS, INC.)
Third Party Defendants)
)

**MOTION BY THIRD PARTY DEFENDANT PRISON HEALTH SERVICES TO
TAKE THE DEPOSITION OF MARK HIGGINS A PERSON CONFINED IN A
COUNTY CORRECTIONAL FACILITY**

Pursuant to Fed. Rules Civ. Proc. R. 30(a)(2), Third Party Defendant, Prison Health Services, requests this Court's leave to take the deposition of Mark Higgins who is an inmate incarcerated in the Bourne House of Correction, Bourne MA.

In the Plaintiff's Automatic Disclosure Mark Higgins is listed as an individual who is likely to have discoverable information regarding the case. Furthermore, inmate Mark Higgins is listed as a trial witness on the Plaintiff's witness list.

Accordingly, in order to adequately prepare for trial, Prison Health Services respectfully requests that this Court allow the deposition of inmate Mark Higgins to be conducted at the facility in which he is confined.

Respectfully submitted,
Prison Health Services

By its attorneys,

/s/ Mary Eiro-Bartevyan
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CERTIFICATE OF SERVICE

I, Mary Eiro-Bartevyan, attorney for Prison Health Services hereby certify that on this 24th day of August, 2005, I served the foregoing *Motion To Take The Deposition Of Mark Higgins A Person Confined In A County Correctional Facility* upon all counsel of record, as follows:

Plaintiff's Counsel

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/s/ Mary Eiro-Bartevyan
Mary Eiro-Bartevyan